

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITES STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** LARS SEVERINSSON

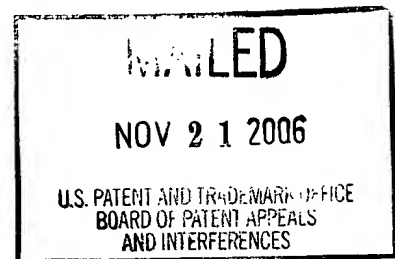
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Appeal No. 2006-1406  
Application 09/710,962

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ON BRIEF

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Before GARRIS, MCKELVEY, AND MACDONALD, **Administrative Patent Judges.**

MACDONALD, **Administrative Patent Judge.**

**REMAND TO THE EXAMINER**

This is a remand of the appeal under 35 U.S.C. § 134 from the rejection of claims 29-32,<sup>1</sup> in accordance with 37 CFR § 41.50(a)(1). After considering the record before us, we are convinced that the instant appeal is not ready for

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<sup>1</sup> Appellant filed an amendment on November 10, 2000, cancelling claims 1-24 and adding claims 25-28. Appellant filed an amendment on June 18, 2002, cancelling claims 25-28 and adding claims 19-22. The added claims 19-22 were renumbered as claims 29-32 pursuant to 37 C.F.R. § 1.126.

meaningful review. Accordingly, we hereby remand the application to the examiner to consider the following issues, and to take appropriate action.

**Whether A Rejection Of Claims 29-32 Under 35 U.S.C. § 251,  
As Being Based Upon New Matter and Rejections under  
35 U.S.C. § 112, First and Second Paragraphs, Are Appropriate?**

We discuss claim 29 as exemplary. Claim 29 recites (A) “a self-sustained unit” and (B) “fixedly connected to the inside of the housing (1).” We have reviewed Appellants’ patent for which reissue is sought and are unable to find this subject matter described in the patent in such a way as to reasonably convey to one skilled in the relevant art that this subject matter is supported by the patent.

If the Examiner is able to find support in the patent for the language of claim 29 discussed above, then it must be explained on the record. If the Examiner does not find such support then a rejection must be made under 35 U.S.C. § 251, based upon new matter, and a rejection must be made under 35 U.S.C. § 112, first paragraph. See MPEP § 1411.02 for guidance.

Additionally, because we cannot tell what is being claimed by the above discussed claim language absent support in the patent, we are uncertain how to interpret the claim. If the Examiner does not find such support then a rejection must also be made under 35 U.S.C. § 112, second paragraph.

Accordingly, we *remand* for consideration of these issues.

### **Conclusion**

This remand to the examiner pursuant to 37 CFR § 41.50(a)(1) is not made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) does not apply.

### **REMAND**

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